

# SENATE . . . . . No. 2265

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Joseph A. Boncore***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act creating a New Deal for Transportation in the Commonwealth.

PETITION OF:

| NAME:                        | DISTRICT/ADDRESS:                        |                  |
|------------------------------|------------------------------------------|------------------|
| <i>Joseph A. Boncore</i>     | <i>First Suffolk and Middlesex</i>       |                  |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i>                   | <i>2/25/2021</i> |
| <i>Lindsay N. Sabadosa</i>   | <i>1st Hampshire</i>                     | <i>2/25/2021</i> |
| <i>Steven C. Owens</i>       | <i>29th Middlesex</i>                    | <i>2/25/2021</i> |
| <i>Jack Patrick Lewis</i>    | <i>7th Middlesex</i>                     | <i>2/26/2021</i> |
| <i>James B. Eldridge</i>     | <i>Middlesex and Worcester</i>           | <i>3/2/2021</i>  |
| <i>Joanne M. Comerford</i>   | <i>Hampshire, Franklin and Worcester</i> | <i>3/8/2021</i>  |
| <i>Diana DiZoglio</i>        | <i>First Essex</i>                       | <i>5/21/2021</i> |
| <i>James M. Kelcourse</i>    | <i>1st Essex</i>                         | <i>6/8/2021</i>  |
| <i>Tami L. Gouveia</i>       | <i>14th Middlesex</i>                    | <i>7/13/2021</i> |

# SENATE . . . . . No. 2265

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By Mr. Boncore, a petition (accompanied by bill, Senate, No. 2265) of Joseph A. Boncore, Harriette L. Chandler, Lindsay N. Sabadosa, Steven C. Owens and other members of the General Court for legislation to create a New Deal for Transportation in the Commonwealth.  
Transportation.

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act creating a New Deal for Transportation in the Commonwealth.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 6C is hereby amended by striking section 11A and replacing it with  
2           the following new section:-

3           Section 11A. (a) There shall be a project selection advisory council which shall be  
4           charged with developing a uniform project selection criteria to be used in the development of a  
5           comprehensive state transportation plan as required by section 11.

6           (b) The council shall consist of the following members: the secretary or the secretary's  
7           designee, who shall serve as chair; 3 members to be appointed by the governor, 1 of whom shall  
8           have practical experience in transportation planning and policy, 1 of whom shall be a registered  
9           civil engineer with at least 10 years' experience and 1 of whom shall be a member of a regional  
10          planning agency; 1 member to be appointed by the president of the senate, who shall be an expert  
11          in the field of transportation finance; 1 member to be appointed by the minority leader of the

senate, who shall be a member of the construction industry; 1 member to be appointed by the speaker of the house of representatives, who shall be a representative of a transportation consumer organization or other public interest organization; 1 member to be appointed by the minority leader of the house of representatives, who shall be a member of a business association; and a representative of the Massachusetts Municipal Association. The department shall provide the council with qualified administrative staff and the regional planning agencies may provide qualified technical assistance to the council.

(c) The project selection criteria developed under this section shall include a project priority formula or other data-driven process that shall include, but not be limited to, the following factors: climate impact or mitigation; effect on communities historically underserved by transportation, including those with environmental justice populations as defined by section 62 of chapter 30 of the General Laws; effect on public health; engineering; condition of existing assets; safety; economic impact; regional priorities; and the anticipated cost of the project. The council may divide projects into several categories including, but not limited to: preservation and maintenance of existing assets; modernization of existing assets that improve safety; expansion projects that add to the existing system; and local construction. The factors chosen by the council may be weighted to prioritize specific factors and such weighting of factors may differ by project category as determined by the council.

(d) The council shall conduct at least 6 public hearings, 1 in each of the department's highway districts, before final approval of the project selection criteria. The council shall provide interested persons with an opportunity to submit their views orally and in writing and the department may create and maintain a website to allow members of the public to submit comments electronically and to review comments submitted by others. The council shall provide

notice of each public hearing by publication in a newspaper of general circulation in the highway district in which the hearing is to be located in each of 2 successive weeks, the first publication to be at least 14 days before the day of the hearing and, if feasible, by posting a notice in a conspicuous place in the cities or towns within the highway district for at least 14 consecutive days immediately prior to the day of the hearing

SECTION 2. The General laws is hereby amended, in section 13 of chapter 6C, by striking out the following words:-

(c) All revenue received from tolls, rates, fees, rentals and other charges for transit over or through all tolled roads, bridges or tunnels shall be applied exclusively to: (i) the payment of existing debt service on such tolled roads; and (ii) the cost of owning, maintaining, repairing, reconstructing, improving, rehabilitating, policing, using, administering, controlling and operating such tolled roads.

SECTION 3. Chapter 6C of the General Laws, as so appearing, is hereby amended by adding the following two new sections:-

Section 77. There shall be within the department an office of rail enhancement. The office shall be dedicated to improving the productivity, equity and environmental sustainability of the rail system. The office shall develop and implement short-term, medium-term and long-term plans for each line of the rail system based on consideration of criteria developed by the department, including, but not limited to: (i) enhancing performance and ensuring that the rail is fully integrated into the commonwealth's transportation system; (ii) instituting a fare and parking pricing policy that is designed to reduce congestion and maximize ridership and equity; (iii) ensuring vehicle parking at rail stops; (iv) increasing accessibility for people with disabilities; (v)

prioritizing investments and decisions that maximize ridership return on investments; (vi) reducing carbon emissions; (vii) increasing connectivity with regional transit authorities; and (viii) increasing connectivity with alternative first/last mile transit modes. The office shall develop and implement a stakeholder engagement plan to support its mission. The office shall develop and monitor key metrics to measure performance of its mission and annually make available on the department's website a public report on the performance metrics and the short-term, medium-term and long-term plans for each line of the rail system.

Section 78. There shall be within the department an office of bus transformation. The office shall be dedicated to improving the productivity, equity and environmental sustainability of the bus system except systems operated by a regional transit authority. The office shall develop and implement short-term, medium-term and long-term plans for the bus system except systems operated by a regional transit authority based on consideration of criteria developed by the department, including, but not limited to: (i) increasing on-time performance, including, but not limited to, efforts to reduce board times and increase priority bus lanes; (ii) instituting a fare policy that maximizes equity and enhances the other missions of the office; (iii) maximizing ridership return on investments; (iv) improving the accessibility of the system for people with disabilities; (v) reducing carbon emissions; (vi) improving inter-municipal relationships to ensure further development of bus lanes and complete street designs; (vii) increasing connectivity with alternative first/last mile transit modes. The office shall develop and implement a stakeholder engagement plan to support its mission. The office shall develop and monitor key metrics to measure performance of its mission and annually make available on the department's website a public report on the performance metrics and the short-term, medium-term and long-term plans for the bus system.

SECTION 4. Chapter 29 of the General laws, as so appearing, is hereby amended by inserting after section 2HHHHH the following new section:-

Section 2IIII. (a) There shall be established and set up on the books of the commonwealth a fund to be known as the Transit Authority Fund. The fund shall be credited any monies transferred under section 12 of chapter 159A½ and all monies credited to or transferred to the fund from any other fund or source. Expenditures from the fund shall be subject to appropriation; provided, that 50 per cent of the funds received shall be appropriated for the Massachusetts Bay Transportation Authority; and provided further, that 50 per cent of the funds received shall be appropriated for the regional transit authorities organized under chapter 161B or predecessor statutes.

SECTION 5. Chapter 29 of the General Laws is hereby amended by adding the following new section at the end thereof:-

Section 2DDDDD: Transportation Climate Initiative

(a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

"Allowance", an authorization to emit a fixed amount of carbon dioxide.

"Department", department of transportation

"Environmental justice population", a neighborhood that meets 1 or more of the following criteria: (i) the annual median household income is not more than 65 per cent of the statewide annual median household income; (ii) minorities comprise 40 per cent or more of the population; (iii) 25 per cent or more of households lack English language proficiency; or (iv)

101 minorities comprise 25 per cent or more of the population and the annual median household  
102 income of the municipality in which the neighborhood is located does not exceed 150 per cent of  
103 the statewide annual median household income; provided, however, that for a neighborhood that  
104 does not meet said criteria, but a geographic portion of that neighborhood meets at least 1  
105 criterion, the secretary may designate that geographic portion as an environmental justice  
106 population upon the petition of at least 10 residents of the geographic portion of that  
107 neighborhood meeting any such criteria; provided further, that the secretary may determine that a  
108 neighborhood, including any geographic portion thereof, shall not be designated an  
109 environmental justice population upon finding that: (A) the annual median household income of  
110 that neighborhood is greater than 125 per cent of the statewide median household income; (B) a  
111 majority of persons age 25 and older in that neighborhood have a college education; (C) the  
112 neighborhood does not bear an unfair burden of environmental pollution; and (D) the  
113 neighborhood has more than limited access to natural resources, including open spaces and water  
114 resources, playgrounds and other constructed outdoor recreational facilities and venues.

115 “Equity Advisory Body”, a stake holder group that shall be comprised of the following  
116 members: The secretary of transportation ex officio; the secretary of Energy and Environmental  
117 Affairs ex officio; the secretary of health and human ex officio; 1 representative of the  
118 Massachusetts Association of Regional Planning Agencies; 1 representative of the Metropolitan  
119 Mayors Association; 1 representative of the Mayor of the City of Boston; 1 representative of  
120 Green Roots; 1 representative of each Massachusetts Executive Office of Health and Human  
121 Services regions, specifically, 1 representative of a community-based group located within  
122 Region 1 - Western; 1 representative of a community-based group located within Region 2 -  
123 Central; 1 representative of a community-based group located within Region 3 - Northeast; 1

representative of a community-based group located within Region 4 - Metro West; 1  
representative of a community-based group located within Region 5 - Southeast; 1 representative  
of a community-based group located within Region 6 - Boston; and 1 representative of the Rural  
Policy Advisory Commission. A majority of members not serving in an ex officio capacity shall  
be residents of a community with an environmental justice population.

“TCI” or “Transportation Climate Initiative”, the Memorandum of Understanding dated  
December 21, 2020 and any amendments thereto that establishes a transportation based cap-and-  
invest program within the northeast region of the United States and other regions to the extent  
that the Memorandum of Understanding is amended.

(b) There shall be established the Transportation Climate Initiative Trust Fund that shall  
be administered by the Department of Transportation in consultation of the Executive office of  
Energy and Environmental Affairs. All funds from the auction of allowances from the multi-  
state Transportation Climate Initiative shall be deposited in said fund.

(c) A minimum of 70 percent of the annual proceeds shall be used to benefit under  
overburden and underserved communities with an environmental justice population. A  
minimum of 50 percent of all remaining proceeds shall be deposited in the Commonwealth  
transportation Fund established under section 2ZZZ of Chapter 29.

(d) The proceeds shall be used, without further appropriation, to reduce greenhouse gas  
emissions in the transportation sector and to otherwise achieve the goals of TCI. Funds deposited  
in this account shall be used to promote projects and programs that support clean transportation  
and promote mobility, including but not limited:

145                   (1) The expansion and modernization of the Commonwealth's public  
146 transportation infrastructure and fleets.

147                   (2) The electrification of the Commonwealths public transportation infrastructure  
148 and fleets.

149                   (3) The expansion of electric vehicle charging infrastructure within the  
150 Commonwealth's municipalities

151                   (4) Support of expanding multimodal infrastructure for alternative transportation  
152 methods including, complete streets, dedicated bus lanes, bike paths, micro-mobility and  
153 pedestrian walkways.

154                   (5) Minimizing transportation costs for low and moderate income individuals and  
155 families.

156                   (6) Ensuring first- and last-mile connection to public transit.

157           (e) Monies in this fund shall only be used to support the programs and activities  
158 authorized pursuant to this section and shall not be available to meet the general obligations of  
159 the Commonwealth. Balances in this fund shall be carried forward and remain in the fund at the  
160 end of each fiscal year and interest earned shall remain in the fund.

161           (f) Annually, not later than January 1 of each year, the department shall present the  
162 Equity Advisory Body with a report for review and recommendation. The report shall detail: (i)  
163 the total amount of allowances sold in the previous fiscal year; (ii) the total amount of monies  
164 deposited within the trust fund; (iii) itemized distributions made from the fund; (iv) the status of  
165 any project or program receiving monies from the fund; (v) the location of any project or

166 program receiving monies from the fund; (vi) planned allocation of monies for the upcoming  
167 fiscal year.

168 (g) The Equity Advisory Body shall meet within four months of the enactment of this  
169 legislation.

170 (h) The Equity Advisory Body shall meet at least four times each year.

171 (i) The members of the Equity Advisory Body shall be eligible but not required to accept  
172 reimbursement to cover time and reasonable expenses incurred while serving on the Equity  
173 Advisory Body, not to exceed \$6,000 annually per member.

174 (j) The Equity Advisory Body shall make recommendations to the secretary of Energy  
175 and Environmental Affairs, secretary of Transportation, and commissioner of the Department of  
176 Environmental Protection on any regulations necessary to implement or update TCI-P so that the  
177 program benefits environmental justice communities. The secretary shall consider the  
178 recommendations of the Equity Advisory Body.

179 SECTION 6. Section 16 of Chapter 62C is hereby amended by adding after clause (l) the  
180 following words:-

181 (m). Every operator, as defined in section one of chapter 64P, subject to taxation under  
182 chapter 64P, shall file a return with the commissioner for each calendar month. Each return shall  
183 state the gross revenues derived by the operator during such month and such other information as  
184 the commissioner may deem necessary.

185 SECTION 7. The General Laws are hereby amended by, in section 1 of chapter 64A by  
186 striking the definition of “tax per gallon” and replacing it with the following new definition:-

187           “Tax per gallon”, shall be 28 cents per gallon. For aviation fuel, tax per gallon shall mean  
188   7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter,  
189   computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be  
190   less than 10 cents per gallon.

191           SECTION 8. The General Laws are hereby amended by, in section 1 of chapter 64A by  
192   striking the definition of “tax per gallon” and replacing it with the following new definition:-

193           “Tax per gallon”, shall be 32 cents per gallon. For aviation fuel, tax per gallon shall mean  
194   7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter,  
195   computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be  
196   less than 10 cents per gallon.

197           SECTION 9. The General Laws are hereby amended by, in section 1 of chapter 64A by  
198   striking the definition of “tax per gallon” and replacing it with the following new definition:-

199           “Tax per gallon”, shall be 36 cents per gallon. For aviation fuel, tax per gallon shall mean  
200   7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter,  
201   computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be  
202   less than 10 cents per gallon.

203           SECTION 10. The General Laws are hereby amended by inserting after chapter 64N the  
204   following chapter:-

205           CHAPTER 64O.

206           LOCAL AND REGIONAL TRANSPORTATION BALLOT INITIATIVES.

207           Section 1. As used in this chapter, the following words shall have the following meanings  
208 unless the context clearly requires otherwise:

209           “District agreement”, a document specifying the terms and conditions of the powers and  
210 duties of at least 2 municipalities forming a district under section 4 pursuant to the laws  
211 governing any such municipalities, this chapter and such procedural regulations as the  
212 commissioner of revenue may promulgate.

213           “Governing body”, the city manager and city council in a city having a Plan D or Plan E  
214 charter, the mayor and city council in any other city, the select board or equivalent body in  
215 towns.

216           “Single subject of taxation”, sales, real or personal property, room occupancy or vehicle  
217 excise.

218           “Transportation project”, a project or program for the planning, design or construction of  
219 public or mass transportation transit systems, transit-oriented development, roads, bridges,  
220 bikeways, pedestrian pathways or other transportation-related projects.

221           Section 2. (a) This chapter shall take effect in a city or town upon the approval of its  
222 governing body and its acceptance by the voters of such city or town by a ballot question as set  
223 forth in section 3.

224           (b) A city or town may impose a tax surcharge on a single subject of taxation within the  
225 city or town; provided, however, that except as provided in section 4, no tax surcharge shall be  
226 imposed within the city or town unless it has first been approved by the governing body of the

city or town and accepted by a majority of the voters of the city or town through a ballot question as set forth in section 3.

(c) Notwithstanding chapters 59, 60A, 62 or 64H or any other general or special law to the contrary, the governing body of a city or town may vote to accept this chapter authorizing a surcharge on a single subject of taxation. A governing body that intends to accept this chapter shall determine a single subject of taxation to be levied and the amount and rate of surcharge on the single subject of taxation prior to approval by the voters. If the identified single subject of taxation is a real or personal property excise, the amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of chapter 59.

(d) A taxpayer shall be eligible for all exemptions and abatements of any single subject of taxation for which a taxpayer qualifies. A taxpayer receiving an exemption for any single subject of taxation shall be exempt from any tax surcharge on any single subject of taxation established under this section. The tax surcharge to be paid by a taxpayer receiving an abatement of any single subject of taxation shall be reduced in proportion to the amount of such abatement.

(e) Any amount of the tax surcharge not paid by the due date shall bear interest at the rate per annum as authorized by the law for any single subject of taxation.

(f) Revenues raised through the tax surcharge shall be separately accounted for and used by the city or town for transportation projects.

Section 3. (a) Upon approval of the single subject of taxation to be levied and the amount and rate of surcharge on the single subject of taxation by the governing body, the following question shall be placed on the official ballot by the city or town clerk or the state secretary for

248 acceptance by the voters of the city or town at the next regularly scheduled municipal or state  
249 election in the following form:-

250 “Shall the (city or town) of \_\_\_\_\_ accept sections 2 to 5, inclusive, of chapter 64O of  
251 the General Laws, as approved by its (governing body), a summary of which appears below

252 (Set forth here a fair, concise summary and purpose of the law to be acted upon, as  
253 determined by the city solicitor or town counsel, including the specific single subject of taxation  
254 to be levied and the percentage of the surcharge to be imposed.)”

255 In the ballot question, the city or town may include a list of specific transportation  
256 projects for which the tax surcharge funds may be used or a general description of the types of  
257 transportation projects for which the tax surcharge may be used. The city or town may also  
258 include a sunset provision in the ballot question, but the authorization for the tax surcharge shall  
259 not exceed 30 years.

260 If a majority of the votes cast in answer to the question vote is in the affirmative, this  
261 chapter shall take effect in the city or town, or district as set forth in section 4, but not otherwise.

262 (b) The final date for notifying or filing a petition with the city or town clerk or the state  
263 secretary to place this question on the ballot shall be 60 days before the city or town election or  
264 100 days before the state election. For those petitions that will appear on the ballot for the state  
265 election, notice shall be provided by filing with the state secretary a certified copy of the  
266 governing body’s approval and a copy of the summary as provided in subsection (a).

267 Section 4. (a) Two or more municipalities may, with the approval of the governing body  
268 of each such municipality, form a district for the purposes of implementing this chapter.

(b) For the purposes of subsection (a), if a majority of the votes cast in the district on the question in the affirmative, this chapter shall take effect in the district, but not otherwise.

(c) Two or more municipalities that choose to form a district under this chapter shall apply a tax surcharge to their preferred single subject of taxation. The amount and percentage of the tax surcharge may vary for each municipality that comprises the district.

(d) Two or more municipalities forming a district under this chapter shall adopt a district agreement with the approval of the applicable governing bodies prior to presentment to the voters of the 2 or more municipalities by a ballot question pursuant to section 3. The district agreement shall specify: (i) the purpose and nature of the agreement; (ii) the single municipality to serve as the treasurer of the transportation fund or the regional planning agency to serve as the fiscal agent of the transportation fund under section 7 and that said municipality or regional planning agency shall also serve as the treasurer or fiscal agent for purposes of section 9; (iii) how the transportation fund will be used and for what purposes and how the municipalities will decide on details of use, plan changes or urgent circumstances; (iv) the work to be performed and the division or sharing of responsibility among the municipalities; (v) the estimated costs and the methods of financing the transportation projects; (vi) the method of administration of the transportation fund and the transportation projects to be paid for through the fund; (vii) the composition of the district's transportation committee, the length of its term and the criteria and method of selecting its members; (viii) the duration of the proposed agreement; and (ix) the amount, type and percentage of the tax surcharge for each municipality that comprises the district.

(e) Nothing in this section shall be construed to: (i) amend, repeal or otherwise alter the authority or jurisdiction of, or establish, a municipality; or (ii) confer any management authority over transportation projects beyond the authority exercised by participating municipalities in the district agreement pursuant to this chapter.

Section 5. (a) Upon acceptance of this chapter, the satisfaction of the requirements of this chapter and the assessors' warrant to the tax collector, the accepted tax surcharge shall be imposed in the city or town. The city, town or district shall notify the commissioner of revenue of the date and terms on which the voters accepted this chapter.

(b) For a tax surcharge levied on either the property tax or excise, after receipt of the warrant, the tax collector shall collect the tax surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of the single subject of taxation, to the treasurer of the city, town or district. The tax collector shall maintain appropriate books and accounts with respect to the tax surcharge, which shall be subject to public examination upon reasonable request.

(c) Two or more municipalities forming a district shall select 1 of the municipalities or the regional planning agency to serve as the district's treasurer for the purposes of this chapter. The district agreement shall establish the method of selecting the district treasurer. The municipality or regional planning agency selected to serve as the district treasurer shall perform the duties thereof in accordance with section 5 and in accordance with chapter 41. Two or more municipalities forming a district shall also select that same municipality or regional planning

agency to receive funds and provide certification for all municipalities within the district for the purposes of section 9 and in accordance with section 4.

Section 6. (a) A city or town that accepts this chapter, either on its own or as part of a district, shall, within 90 days after such acceptance, establish by ordinance or by-law and, in the case of a district, the ordinance or by-law shall be established by all member municipalities, a transportation committee. The committee shall consist of not less than 5 members. The ordinance or by-law shall determine the composition of the committee, the length of the term of appointment of the members and the criteria and method of selecting the members. The committee shall include, but not be limited to, at least: (i) 1 representative from the municipality; (ii) 1 member of each regional transit authority to which the city or town is a member community, if any; (iii) 1 member of the regional planning agency to which the city or town is a member community; and (vi) any other such persons, as determined by the ordinance or by-law.

(b) Each transportation committee shall study the transportation-related needs, possibilities and resources of the city, town or district. The committee shall consult with existing transportation agencies including, but not limited to, regional planning agencies, to develop transportation projects in accordance with the ballot initiative. If a list of transportation projects for which the tax surcharge funds may be used was included in a ballot question, the committee shall include those projects in its study; provided, however, that the committee shall not be required to recommend those projects unless otherwise required by the ballot initiative.

(c) Each transportation committee shall be subject to subsection (a) of section 19 of chapter 30A. Each transportation committee shall keep a full and accurate account of all of its actions, including its recommendations and the actions taken on them and records of all

333 appropriations or expenditures made from the Local and Regional Transportation Fund as set  
334 forth in section 7. The records and accounts of the committee shall be public records.

335 (d) Each city, town or district, as applicable, shall consult with the entity proposed to own  
336 and maintain the transportation project prior to listing any transportation project on the ballot as  
337 set forth in this chapter. If any such city, town or district includes no specific transportation  
338 projects in the ballot question, the transportation committee shall receive the approval of the  
339 regional planning agency prior to submitting the local transportation committee's  
340 recommendations to a governing body unless the transportation-related project or activity is  
341 solely under local jurisdiction. The city, town or district shall study projects that promote access  
342 to public transportation, biking and walking.

343 (e) At least once every 2 fiscal years, each transportation committee shall make  
344 recommendations to the governing body of the applicable city, town or district regarding  
345 efficient and effective ways to improve and enhance local transportation systems in the city,  
346 town or district. Recommendations to the governing body of the city, town or district shall  
347 include anticipated costs over the life cycle of the transportation project. The committee may  
348 include in its recommendation to the governing body a recommendation to set aside for the later  
349 spending of funds for specific purposes that are consistent with transportation-related purposes  
350 but for which sufficient revenues are not currently available in the Local and Regional  
351 Transportation Fund to accomplish those specific purposes, to satisfy debt payments incurred  
352 from transportation-related projects or to set aside for later spending funds for general purposes  
353 that are consistent with transportation improvements and in accordance with the ballot initiative.

(f) After receiving such recommendations from the transportation committee, the governing body of a city, town or district shall take such action and approve such appropriations from the Local and Regional Transportation Fund as may be necessary and appropriate for the recommendations of the transportation committee and such additional appropriations as the governing body deems appropriate to carry out the recommendations of the transportation committee and in accordance with the ballot initiative.

Section 7. (a) Notwithstanding section 53 of chapter 44 or any other general or special law to the contrary, a city, town or district that accepts this chapter shall establish a Local and Regional Transportation Fund, of which the municipal treasurer or fiscal agent shall be the custodian. The authority to approve expenditures from the fund shall be limited to the governing body of any city or town, or the designated municipal treasurer or regional planning agency of the district, as applicable, and the municipal treasurer or fiscal agent shall pay such expenditures in accordance with chapter 41.

(b) Two or more municipalities forming a district shall select 1 of the municipalities or a regional planning agency to establish a Local and Regional Transportation Fund. The municipality or regional planning agency selected to establish the fund shall only use the funds for the district as a whole through the designated fiscal agent and based solely upon the recommendations and approvals of the transportation committee as set forth in this chapter. Administration of the fund by the fiscal agent may, at the option of the governing body of any member city or town, be subject to the further approval of the governing body.

(c) The following funds shall be deposited in the Local and Regional Transportation Fund: (i) all funds collected from the tax surcharge on any single subject of taxation pursuant to

section 3; provided, however, that if the single subject of taxation is a tax collected at the state level, such funds shall be deposited with the department of revenue in accordance with sections 8 and 9; and (ii) all funds received from the commonwealth or any other source for such purposes. The treasurer or fiscal agent may: (i) deposit or invest the proceeds of the fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth that are members of the Federal Deposit Insurance Corporation or national banks; or (ii) invest the proceeds in paid-up shares and accounts of and in co-operative banks, in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth or in the manner authorized by section 54 of chapter 44; provided, however, that any income derived therefrom shall be credited to the fund.

The expenditure of revenues from the fund shall be limited to implementing the recommendations of the transportation committees, to providing administrative and operating expenses to the committees and in accordance with the ballot initiative. The city or town, or the municipal treasurer or regional planning agency of the district as set forth in section 4, shall not divert revenues derived from the tax surcharge into any other fund created by law or ordinance.

(d) Only those cities, towns and districts that adopt the tax surcharge allowed by this chapter shall be eligible to receive funds through the Local and Regional Transportation Fund.

Section 8. (a) There shall be a Massachusetts Local and Regional Transportation Trust Fund, for the benefit of cities, towns and districts that have accepted this chapter and imposed a surcharge on a tax collected by the commonwealth, subject to any exemptions adopted by the city, town or district. The fund shall consist of all of the following revenues received by the

commonwealth from: (i) the tax surcharge pursuant to section 3; (ii) public and private sources as gifts, grants and donations to further local or regional transportation projects; and (iii) any other fund or source credited or transferred to it pursuant to law.

(b) The state treasurer shall deposit revenues received by any such tax surcharge into the fund in accordance with section 9 in such manner as will secure the highest interest rate available consistent with the safety of the fund and with the requirement that all amounts on deposit be available for withdrawal without penalty for such withdrawal at any time. All interest accrued and earnings thereon shall be deposited into the fund. The fund shall be administered in a manner to separately account for revenues raised by each city, town or district and held for the benefit of such city, town or district. The fund shall be expended solely for the administration and implementation of this chapter. Any unexpended balances shall be redeposited for future use by the city, town or district consistent with this chapter.

(c) The state treasurer shall make all disbursements and expenditures from the fund without further appropriation, as directed by the commissioner of revenue in accordance with section 9. The department of revenue shall report by source all amounts credited to said fund and all expenditures from said fund. The commissioner of revenue shall assign personnel of the department as it may need to administer and manage the fund disbursements and any expense incurred by the department shall be deemed an operating and administrative expense of the program. The operating and administrative expenses shall not exceed 3 per cent of the annual total revenue deposited into the fund.

Section 9. (a) Upon certification of the commissioner of revenue, all funds received by the commissioner under this chapter shall, not less than quarterly, be distributed, credited and

420 paid by the state treasurer to each city or town, or to the municipal treasurer or regional planning  
421 agency of a district. The city or town or the municipal treasurer or regional planning agency of a  
422 district shall notify the commissioner of its acceptance of the funds.

423 (b) The state treasurer, upon certification of the commissioner, shall distribute the funds  
424 to the city or town or to the municipal treasurer or regional planning agency of the district based  
425 on the proportional amount the city, town or district has raised by imposing the tax surcharge.  
426 The total distribution of funds shall include all sources of revenue raised in the previous year as  
427 set forth in subsection (a) of section 8, less not more than 3 per cent of the annual total revenue  
428 of the fund, as set forth in subsection (c) of said section 8. Any city, town or district seeking to  
429 dispute the commissioner's calculation of its distribution under this subsection shall notify the  
430 commissioner, in writing, not later than 1 year from the date the funds were distributed by the  
431 commissioner to the city, town or district.

432 (c) The commissioner shall not divert revenues derived from the tax surcharge into any  
433 other fund created by law.

434 (d) Notwithstanding any general or special law to the contrary, the commissioner may  
435 make available to cities, towns and districts any information necessary for the administration of  
436 the tax surcharge authorized by this chapter including, but not limited to, a report of the amount  
437 of the surcharge on tax collected in the aggregate by each city, town or district in the preceding  
438 fiscal year and the identification of each individual vendor collecting the surcharge on sales tax  
439 collected under this chapter.

440 Section 10. (a) At any time after imposition of the tax surcharge, the governing body of  
441 each city or town may approve and the voters may accept an amendment to the amount and

442 computation of the tax surcharge in the same manner and subject to the same requirements as set  
443 forth in this chapter.

444 (b) At any time after imposition of the tax surcharge, a district under section 4, with the  
445 approval of the majority of voters in the district may accept an amendment to the amount and  
446 computation of the tax surcharge in the same manner and subject to the same requirements as set  
447 forth in this chapter so that the surcharge becomes uniform in all municipalities of the district.

448 Section 11. The commissioner of revenue may promulgate rules and regulations to  
449 implement this chapter.

450 SECTION 11. The General Laws are hereby amended by after chapter 64O by adding  
451 the following new chapter:-

452 Chapter 64P – Commercial Parking Surcharge

453 Section 1. As used in this chapter, the following words shall have the following meanings  
454 unless the context clearly requires otherwise:

455 “Commercial parking Facility”, Any area, other than a street, used for the temporary  
456 parking of two or more vehicles, maintained for profit or gain of an operator.

457 “Commissioner”, the commissioner of Revenue

458 “Operator”, a person operating a commercial or residential parking facility including, but  
459 not limited to, the owner, proprietor, manager, lessee, sublessee mortgagee in possession or any  
460 other person operating a commercial or residential parking facility.

“parking space”, an area within a commercial or residential parking facility used for the temporary parking of one vehicle.

“Residential housing”, any building of twenty or more units used for the purposes of providing housing, but not any building maintained by the Commonwealth or a municipality for the purposes of providing public housing nor any building that is provided a subsidy by the commonwealth or a municipality for the purposes of providing affordable housing.

“Residential Parking Facility”, any area, other than a street, used for the temporary or permanent parking of twenty or more vehicles, maintained for the purposes of providing parking for residential housing.

Section 2. An excise is hereby imposed upon the sale, rental, leasing or licensing of a parking space within a commercial or residential parking facility by an operator at a rate of 6.25 percent of the total sales price received as consideration for the use of the parking space. The excise tax shall be levied in addition to state tax imposed upon the sale of property or services as provided in section 2 of chapter 64H of the General Laws and shall be paid by an operator to the commissioner at the time provided for filing the return required by section 16 of chapter 62C of the General Laws.

Section 3. a) A city or town that accepts this section in the manner provided in section 4 of chapter 4 may impose a local sales tax upon sale, rental, leasing or licensing of parking spaces within a commercial or residential parking facility by an operator operating within the city or town not greater than 2.5 per cent of the total sales price received by the operator as a consideration for the use of the parking space; provided that a city or town that accepts this section may also impose a cap on total number of commercial or residential parking spaces

483 within the municipality. The operator shall pay the local sales tax imposed under this section to  
484 the commissioner at the same time and in the same manner as the sales tax due to the  
485 commonwealth.

486 (b) All sums received by the commissioner under this section shall, at least quarterly, be  
487 distributed, credited and paid by the treasurer and receiver-general upon certification of the  
488 commissioner to each city or town that has accepted this section in proportion to the amount of  
489 the sums received in that city or town. Any city or town seeking to dispute the commissioner's  
490 calculation of its distribution under this subsection shall notify the commissioner, in writing, not  
491 later than 1 year from the date the tax was distributed by the commissioner to the city or town.

492 (c) any sums received by a city or town shall be dedicated to improving transportation  
493 within the municipality, including but not limited to the construction or development of:  
494 complete streets, pedestrian walkways, dedicated bus lanes, bike lanes or paths, micro-mobility  
495 infrastructure, and electric vehicle charging infrastructure.

496 Section 4. The provisions of this chapter shall not apply to any facility providing parking  
497 to public transportation stations.

498 Section 5. The commissioner shall deposit revenue collected pursuant to this chapter,  
499 other than revenue collected pursuant to section 2 of chapter 64H of the General Laws, in the  
500 Commonwealth Transportation Fund, established under section 2zzz of Chapter 29 of the  
501 General Laws.

502 SECTION 12. Section 33 of Chapter 90 of the General Laws, as so appearing, is hereby  
503 amended by striking clause (2) in its entirety and replacing it with the following words:-

(2) For the registration of every motor vehicle; provided that the registrar shall establish the following tiered schedule of fees for motor vehicles: Tier 1 vehicles with a resale value of not less than \$50,000; Tier 2 vehicles with a resale value of not more than \$50,000; and Tier 3 zero emission vehicles; provided that Tier 2 fees shall not be more than 50% of the amount charged for Tier 1 vehicles; provided further that Tier 3 fees shall not be more than 10% of the amount charged for Tier 1 vehicles; provided that said fee shall be collected every other year. The registrar shall collect such similar fee, in addition to incurred administrative costs for the issuance in connection therewith, at the request of the applicant, of a distinctive initial plate, or of a particular number plate other than a distinctive initial plate; provided, however, that the registrar shall collect a similar fee for the issuance of a number plate bearing the station call letters of an amateur radio operator. Said registrar shall make available to registered owners of motor vehicles any unissued or returned distinctive initialed or numbered registration plates.

SECTION 13. Section 1 of chapter 159A½ of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting the following new definitions:-

“Luxury ride”, a non-shared pre-arranged ride in a vehicle that is registered as a livery vehicle.

“Non-shared ride”, a pre-arranged ride that is not a shared ride.

“Shared ride”, a pre-arranged ride requested or selected by a rider, which may be shared with 1 or more riders, who each independently use transportation network services to select the pre-arranged ride, regardless of whether the rider actually shares all or part of the ride with 1 or more riders; provided, that each rider is charged a fare that is calculated, in part, based on the rider’s request or acceptance of the request to share all or part of the pre-arranged ride.

SECTION 14. Said chapter 159A½, as so appearing, is hereby further amended by adding the following 2 sections:-

Section 12. (a) There shall be a Transportation Infrastructure Enhancement Trust Fund. The director of the division shall be the trustee of the Fund and shall expend money in the fund to address the impact of transportation network services. There shall be credited to the Fund: (i) any per-ride assessment collected pursuant to subsection (b); and (ii) any interest earned on money in the Fund. Amounts credited to the Fund shall be expended by the director pursuant to subsections (c) and (d) without further appropriation. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(b) Annually, not later than February 1, each transportation network company shall submit to the director of the division the number of rides, broken down by shared rides and non-shared rides, including the number of luxury rides, from the previous calendar year that originated within each city or town and a per-ride assessment. The per-ride assessment shall be as follows: (i) a shared ride shall have a per-ride assessment of \$0.40; and (ii) a non-shared ride shall have a per-ride assessment of \$1.20; provided, that a shared or non-shared luxury ride shall have an additional per-ride assessment of \$1.00; and provided further, that the per-ride assessment shall be based upon the pre-arranged ride, as offered by the transportation network company and selected by the rider; provided however, the per-ride assessment shall not apply to a pre-arranged ride requested or selected by a rider who has requested or selected the pre-arranged ride through a program established to provide transportation network services to individuals who are eligible for paratransit services.

(c) From the funds received from the per-ride assessment of shared and non-shared rides, the division shall: (i) proportionately distribute 25 per cent to a city or town based on the number of shared and non-shared rides from the previous calendar year that originated within that city or town to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I and other programs that support alternative modes of transportation; (ii) distribute 50 per cent to the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29; and (iii) distribute 25 per cent to the Transit Authority Fund, established in section 2IIII of chapter 29.

(d) From the funds received from the additional per-ride assessment for luxury rides, pursuant to subsection (b), the division shall annually: (i) proportionately distribute 50 per cent of the amount received to a city or town based on the number of luxury rides from the previous calendar year that originated within that city or town to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I and other programs that support alternative modes of transportation; and (ii) distribute 50 per cent to the Commonwealth Transportation Fund, established in section 2ZZZ of chapter 29.

(e) By December 31 of each year in which a city or town receives a disbursement of more than \$25,000 from the Fund, that city or town shall submit a report to the director of the division

that details the projects and the amount used or planned to be used for transportation-related projects as described in subsections (c) and (d).

By December 31 of the year in which a city or town receives a cumulative total of more than \$25,000 in disbursements from the Fund since its last report to the director of the division, that city or town shall submit a report to the director of the division that details the projects and the amount used or planned to be used for transportation-related projects as described in subsections (c) and (d) for each disbursement from the Fund since the city or town's last report to the director of the division.

For a city or town whose cumulative total disbursements from the Fund have not exceeded \$25,000 in the 5 years since its last report to the director of the division, that city or town shall submit a report to the director of the division by December 31 of the fifth year since its last report to the director of the division. That report shall detail the projects and the amount used or planned to be used for transportation-related projects as described in subsections (c) and (d) for each annual disbursement from the Fund since the city or town's last report to the director of the division.

The division shall withhold future disbursements from the Fund from any city or town that does not comply with the reporting requirements of this subsection. The withheld funds shall be disbursed when the city or town complies with the requirements of this subsection.

On an annual basis, the director shall compile the reports and post the projects and amounts of money expended on the website of the division.

(f) A public transit access fee of \$0.20 shall be assessed on each pre-arranged ride that both originates and terminates within the fourteen cities and towns, as defined in section 1 of

chapter 161A. All public transit access fees collected by the Division pursuant to this subsection shall be deposited into a segregated account within the Commonwealth Transportation Fund established under section 2ZZZ of chapter 29, and, subject to appropriation, shall only be expended for capital or operating expenses, including but not limited to the low income fare program, of the Massachusetts Bay Transportation Authority.

SECTION 15. Said chapter 159A½ is hereby further amended by adding the following section:-

Section 13. (a) On the first day of each month, each transportation network company shall submit to the division, in a format approved by the division, data related to each pre-arranged ride provided in the month prior to the previous month and shall include:

(i) for each non-shared ride: (A) the latitude and longitude for the points of the origination and termination, calculated to 0.001 decimal degrees; (B) the date and time of the origination and termination, calculated to the nearest minute; (C) the total cost paid by the rider for the ride; (D) the universally-unique identifier associated with the transportation network driver; (E) the transportation network driver's city or town of residence as appearing on the driver's license; (F) whether the rider requested a shared ride but was not successfully matched with another rider; (G) whether the rider requested accommodation for special needs; (H) whether the ride was provided by a wheelchair accessible vehicle; (I) whether there were any driver or rider-initiated cancellations; (J) the total time that the transportation network driver spent on the way to pick up the rider; (K) the total time that the transportation network driver spent providing the pre-arranged ride; (L) the geographic position of the vehicle during the entire duration of the pre-arranged ride, provided at intervals of not less than every 60 seconds of the

613 pre-arranged ride; (M) the total mileage driven by the transportation network driver while on the  
614 way to pick up the rider; (N) the total mileage driven by the transportation network driver while  
615 providing the pre-arranged ride; (O) the total number of riders in the vehicle; and (P) the  
616 transportation network vehicle license plate;

617 (ii) for each shared ride: (A) the latitude and longitude for the points of the origination  
618 and termination of the entire shared ride, calculated to 0.001 decimal degrees; (B) the total  
619 number of riders in the vehicle; (C) for each pre-arranged ride that was part of a shared ride: (1)  
620 the latitude and longitude for the points of each respective pre-arranged ride's origination and  
621 termination, calculated to 0.001 decimal degrees; (2) the date and time of each respective  
622 prearranged ride's origination and termination, calculated to the nearest minute; (3) the total time  
623 that the transportation network driver spent on the way to pick up each rider; (4) the total time  
624 that the transportation network driver spent providing each pre-arranged ride; (5) the total  
625 mileage driven by the transportation network driver while on the way to pick up each rider; (6)  
626 the total mileage driven by the transportation network while providing each pre-arranged ride;  
627 (7) the total cost paid by each rider for each pre-arranged ride; (8) the universally-unique  
628 identifier associated with the transportation network driver; (9) the transportation network  
629 driver's city or town of residence as appearing on the driver's license; (10) the transportation  
630 network vehicle license plate; and (11) whether the rider requested a shared ride but was not  
631 successfully matched with another rider;

632 (iii) for each transportation network vehicle that provided at least 1 pre-arranged ride: (A)  
633 the vehicle license plate; (B) the vehicle make, model, year and, if available, trim; (C) the vehicle  
634 identification number; (D) the total number of minutes and miles while the vehicle was on the  
635 way to pick up transportation network riders; (E) the total number of minutes and miles while the

vehicle was engaged in pre-arranged rides, whether shared or non-shared; (F) the total number of minutes and miles while the vehicle was logged into the transportation network vehicle's digital network for purposes of accepting a pre-arranged ride, but not on the way to pick up riders or engaged in pre-arranged rides; and (G) whether the vehicle is propelled by internal combustion, battery-sourced electricity or a hybrid; and

(iv) for each accident or crash involving a transportation network driver while logged into the transportation network vehicle's digital network: (A) the latitude and longitude of the location of the accident or crash, calculated to 0.001 decimal degrees; (B) the date and time of the accident or crash, calculated to the nearest minute; and (C) the universally-unique identifier associated with the transportation network driver.

(b) The division may obtain additional ride data from a transportation network company for the purposes of congestion management, which may include, but shall not be limited to: (i) the total number of transportation network drivers that utilized the transportation network vehicle's digital network within specified geographic areas and time periods as determined by the division; (ii) the total time spent and total miles driven by transportation network drivers in such geographic areas or time periods as determined by the division: (A) while on the way to pick up a rider; or (B) while engaged in a prearranged ride.

The division shall promulgate regulations relative to data collection pursuant to this subsection prior to obtaining the data.

(c) Annually, not later than June 30, the division shall post on its website, in aggregate form, the total number of rides provided by all transportation network companies that originated in each city or town, each city or town where the rides originating in each city or town

terminated and the average miles and minutes of the rides that originated in each city or town and terminated in each other respective city or town.

(d) For the purposes of congestion management, transportation planning or emissions tracking, the division may enter into confidential data-sharing agreements to share de-identified, trip-level data received by the division pursuant to this section with the executive office of technology services and security, the executive office of energy and environmental affairs, the Massachusetts Department of Transportation, the Massachusetts Port Authority, the Massachusetts Bay Transportation Authority, the department of environmental protection, a Massachusetts regional transit authority established under section 3 of chapter 161B, a Massachusetts regional planning agency and a Massachusetts metropolitan planning organization. The division shall prescribe the form and content of a confidential data-sharing agreement, the manner of transmitting the information and the information security measures that must be employed by any entity receiving the data. Any confidential data-sharing agreement shall specify that the information provided by the division shall be aggregated and de-identified and may be used only for the purposes set forth in the agreement. Any data received by an entity from the division through a confidential data-sharing agreement under this subsection shall not be considered a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66 and shall not be disclosed to any person or entity other than those listed or described in the confidential data-sharing agreement; provided, however, that a state or municipal government agency or transportation planning entity may disclose conclusions and analyses derived from the information and data received pursuant to a confidential data-sharing agreement.

(e) A violation of the terms of a confidential data-sharing agreement by an entity listed in subsection (d) may result in the division declining to enter into future confidential data-sharing

681 agreements with the violating entity and in the termination of any existing data-sharing  
682 agreement with the entity. The division shall notify each transportation network company whose  
683 data was shared in violation of the terms of a confidential data-sharing agreement of the violating  
684 entity and what data was shared. An entity listed in subsection (d) that violates the terms of a  
685 confidential data-sharing agreement shall delete all data received as a result of the confidential  
686 data-sharing agreement.

687         SECTION 16. Sections 8 to 10, inclusive, and sections 17 to 18 of chapter 187 of the acts  
688 of 2016 are hereby repealed.

689         SECTION 17. Section 3 of chapter 161A of the General Laws, as appearing in the 2018  
690 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “board of  
691 directors of the Massachusetts Department of Transportation established in chapter 6C” and  
692 inserting in place thereof the following words:- Massachusetts Bay Transportation Authority  
693 board of directors established in section 7.

694         SECTION 18 Said section 3 of said chapter 161A, as so appearing, is hereby further  
695 amended by striking out, in line 16, the words “secretary of transportation” and inserting in place  
696 thereof the following word:- board.

697         SECTION 19. Said section 3 of said chapter 161A, as so appearing, is hereby further  
698 amended by striking out, in line 23, the words “Said secretary” and inserting in place thereof the  
699 following words:- The secretary of transportation.

700         SECTION 20. Clause (d) of said section 3 of said chapter 161A, as so appearing, is  
701 hereby amended by adding the following sentence:- A vote under this clause relative to the

employment status of the general manager shall require the affirmative vote of not less than 5 members of the board if the secretary is not in the voting majority.

SECTION 21. Said section 3 of said chapter 161A, as so appearing, is hereby further amended by striking out, in lines 39 to 41, inclusive, the words “secretary of transportation; and provided further, that said secretary shall notify the secretary of administration and finance of any such approval” and inserting in place thereof the following words:- board; and provided further, that approval of any such agreement shall require the affirmative vote of not less than 5 members of the board if the secretary is not in the voting majority.

SECTION 22. Said chapter 161A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. (a) The authority shall be governed and its corporate powers exercised by a Massachusetts Bay Transportation Authority board of directors that shall consist of 7 members.

The secretary of transportation shall be a member and shall serve ex officio.

The governor shall appoint 5 members, 1 of whom shall have experience in transportation operations and safety, 1 of whom shall have experience in public or private finance, 1 of whom shall have experience in transportation or urban planning, 1 of whom shall be a representative of a labor organization and 1 of whom shall have municipal government experience in the service area constituting the authority. At least 1 of the members appointed by the governor shall be a rider, as defined in section 1, shall be a resident of an environmental justice population.

The advisory board, as established under section 7A, shall appoint 1 member who shall have municipal government experience in the service area constituting the authority.

723 The members appointed with municipal government experience in the service area  
724 constituting the authority shall represent not less than 2 of the following service areas: (i) the 14  
725 cities and towns; (ii) the 51 cities and towns; or (iii) the other served communities. A vacancy  
726 from a member appointed with municipal government experience in the service area constituting  
727 the authority who has served for 2 full terms shall be filled with a member with municipal  
728 government experience from a different service area of the authority than the departing member.

729 Not less than 2 of the appointed members shall also be members of the board of directors  
730 of the Massachusetts Department of Transportation established under section 2 of chapter 6C.

731 In making selections to the Massachusetts Bay Transportation Authority board of  
732 directors, the appointing authority shall strive to ensure a board whose diversity and inclusion are  
733 reflective of the population served by the authority.

734 (b) The term of each member, except for the secretary of transportation, shall be 4 years;  
735 provided, however, that 3 of the members appointed by the governor, not including the secretary  
736 of transportation, shall serve for terms that are coterminous with the governor. A member shall  
737 be eligible for reappointment; provided, however, that a member shall not serve more than 2  
738 terms. A member appointed to fill a vacancy in the board shall serve only for the unexpired  
739 portion of the term of the former member but may be appointed to serve 2 full terms thereafter.

740 (c) The governor shall designate 1 member to serve as chair and the board shall elect 1  
741 member to serve as vice-chair; provided, however, the secretary of transportation shall not serve  
742 as chair or vice-chair.

743 (d) Four members of the board shall constitute a quorum and the affirmative vote of a  
744 majority of members present at a duly called meeting, if a quorum is present, shall be necessary

for any action taken by the board; provided however, that a vote under clause (d) or (f) of section 3 shall require the affirmative vote of not less than 5 members if the secretary is not in the voting majority if provided for in said clauses (d) and (f) of said section 3. Any action required or permitted to be taken at a meeting of the board may be taken without a meeting if all of the members consent in writing to such action and such written consent is filed with the records of the minutes of the board. Such consent shall be treated for all purposes as a vote at a meeting.

(e) The board shall be afforded all the powers, responsibilities and obligations under this chapter. The board may delegate any powers, responsibilities and obligations specifically afforded to it to the general manager unless otherwise prohibited by this section. The board shall adopt a written policy providing for the delegation of any of its powers and duties.

(f) The members of the board, except for the secretary of transportation, shall receive a stipend of \$12,000 per year for the discharge of their official duties.

(g) Meetings of the board and its subcommittees shall be subject to sections 18 to 25, inclusive, of chapter 30A. Records of the board shall be subject to section 10 of chapter 66.

(h) The board shall meet at least 1 time per month and not less than 20 times per calendar year.

(i) Each member shall make full disclosure of financial interest, if any, in matters before the board by notifying the state ethics commission, in writing, and shall abstain from voting on any matter before the board in which the member has a financial interest, unless otherwise permissible under chapter 268A. Chapters 268A and 268B shall apply to the secretary of transportation in the secretary's capacity as an ex officio member. Said chapters 268A and 268B shall apply to all other members of the board, except that the board may purchase from, sell to,

767 borrow from, loan to, contract with or otherwise deal with any person with which any member of  
768 the board has an interest or involvement; provided, however, that: (i) such interest or  
769 involvement is disclosed in advance to the members of the board and recorded in the minutes of  
770 the board; and (ii) no member having such interest or involvement may participate in a decision  
771 of the board relating to such interest or involvement. Employment by the commonwealth or  
772 service in any agency thereof shall not be deemed to be such an interest or involvement.

773 (j) Members shall not be liable to the commonwealth, the authority, or any other person  
774 as a result of their activities related to their duties as members of the board, whether ministerial  
775 or discretionary, except for willful dishonesty or intentional violations of law. The board may  
776 purchase liability insurance for members, officers and employees of the board and may  
777 indemnify such persons against the claims of others.

778 SECTION 23. Section 20 of said chapter 161A is hereby amended by striking out, in line  
779 5, the word "secretary" and inserting in place thereof the following word:- authority.

780 SECTION 24. Said section 20 of said chapter 161A is hereby further amended by striking  
781 out, in line 29, the word "secretary" and inserting in place thereof the following word:- authority.

782 SECTION 25. Chapter 46 of the acts of 2015 is here by amended by striking out sections  
783 199 to 208, inclusive.

784 SECTION 26. Notwithstanding any general or special law to the contrary, in making  
785 initial appointments to the Massachusetts Bay Transportation Authority board of directors  
786 established under section 7 of chapter 161A of the General Laws, the governor shall appoint the  
787 governor's 2 members whose terms are not coterminous with the term of the governor to the

following initial terms: 1 member shall be appointed for a term of 1 year and 1 member shall be appointed for a term of 3 years.

SECTION 27. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority, in coordination with the Office of Bus Transformation as established under section 78 of Chapter 6C, shall establish a bus system master plan. The plan shall include, but not be limited to: i) goals for increasing frequency, ridership and fleet size; ii) an established plan for expanding dedicated bus lanes; iii) planned improvements for signal prioritization; iv) a regionalized plan that emphasizes connectivity to multi-modal transportation options; v) enforcement of bus lane violations; vi) repairs and expansions of storage and maintenance facilities; vii) increases to maintenance and service staff levels; viii) a detailed plan for reducing the authority's carbon each year; and ix) targets for conversion to a zero emission vehicle fleet by 2035. In developing the master plan, the Authority shall consult with transportation organizations, developers, affected municipalities and other stakeholders including but not limited to: i) The MBTA Advisory Board as established under section 7A of Chapter 161A of the General Laws; ii) the Massachusetts Department of Transportation; iii) the cities and towns included in the area of service as defined in section 1 of said chapter 161A; iv) the Boston Planning and Development Agency; v) The Chief of Streets for the City of Boston; vi) Metropolitan Mayors Coalition; vii) The Mayor of the City of Lynn or its designee; viii) TransitMatters; ix) the Conservation Law Foundation; and x) Livable Streets. The Authority shall file the plan with towns and cities within the area of service, the clerks of the House and Senate, and the Joint Committee on Transportation not later than July 31, 2023.

SECTION 28. (a) There shall be a special commission on the formula for reimbursing municipalities for the costs of constructing, repairing and improving municipal roadways and

811 bridges, as established under section 4(b) of chapter 6C of the General Laws. The commission  
812 shall consist of: the secretary of transportation or a designee; 2 legislators to be appointed by the  
813 Senate President; 2 legislators to be appointed by the Speaker of the House of Representatives; 2  
814 representatives of Massachusetts Association of Regional Planning Authorities; 1 representative  
815 of the Massachusetts Municipal Association; 1 representative of the Metropolitan Mayors  
816 Coalition; 1 representative of the town of Lee; 1 representative of the town of Mount  
817 Washington; the Mayor of Pittsfield or a designee; the Mayor of Springfield or a designee; 1  
818 representative of the South Coast Chamber of Commerce; 1 representative of the Cape Cod  
819 Regional Transit Authority; and 1 representative from the 495 Partnership.

820 (b) the commission shall (i) identify and analyze the needs and methods of distributing  
821 funds to municipalities for the purposes of maintaining, repairing and improving roads and  
822 bridges; ii) the study and analyze costs associated with maintaining and improving roads and  
823 bridges in rural municipalities; iii) study and analyze the needs of communities with limited  
824 access to public transportation; iv) recommend reimbursement rates based on road milage; v)  
825 recommend reimbursement rates based on employment rates in a municipality; and vi)  
826 recommend reimbursement rates based on population of the municipality.

827 (c) Not later than January 1, 2023, the commission shall file a written report of its  
828 findings and recommendations, including legislative recommendations, with the clerks of the  
829 senate and house of representatives, the house and senate committees on ways and means and the  
830 joint committee on transportation. The report shall include, but not be limited to, an analysis of  
831 mitigation measures to address social equity issues including, but not limited to, social equity  
832 issues for communities underserved by the current transportation.

SECTION 29. (a) There shall be a special task force on commuter rail parking and access to investigate, study and make recommendations on the development, expansion and improvement of Commuter rail parking and connectivity. The task force shall consist of 7 members: the general manager of the MBTA or a designee, 1 person representing the organization or contractor operating commuter rail services, 1 representing the 128 Business Council, 1 person representing the MetroWest Regional Transit Authority, 1 person representing the 495 partnership, 1 person representing the institute for transportation & development policy, 1 person representing Mass Commute, and 1 person representing the Massachusetts Association of Regional Planning Authorities.

(b). The commission shall (i) identify and analyze commuter rail stations with a need for expanded parking access or connectivity; (ii) the propose detailed methods and plans for expanding parking at existing commuter rail stations; (iii) propose detail methods and plans for increasing connectivity to stations by use of RTA, TMA, micro-mobility, and other first/last mile solutions; (iv) review and analyze ridership levels at commuter rail stations; (v) review and analyze highway congestion patterns along commuter rail routes; (vi) engage with municipal leaders to develop programs to improve connectivity and parking access; (vii) propose methods for reducing or eliminating parking fees at commuter rail stations; (viii) propose plans for and improving electric vehicle charging infrastructure at commuter rail parking facilities.

(c) Not later than January 1, 2023, the commission shall file a written report of its findings and recommendations, including legislative recommendations, with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on transportation. The report shall include, but not be limited to, an analysis of

855 mitigation measures to address social equity issues including, but not limited to, social equity  
856 issues for communities underserved by the current transportation.

857         SECTION 30. (a) There shall be a special commission on roadway and congestion  
858 pricing to investigate, study and make recommendations on the development and deployment of  
859 comprehensive and regionally-equitable roadway pricing and congestion pricing mechanisms  
860 which shall include, without limitation, greater Boston metropolitan area roadways, major  
861 bridges and interstate highways near the commonwealth's borders. The commission shall consist  
862 of: the secretary of transportation or a designee; 2 persons to be appointed by the senate  
863 president, 1 of whom shall be the senate chair of the joint committee on transportation; 2 persons  
864 to be appointed by the speaker of the house of representatives, 1 of whom shall be the house  
865 chair of the joint committee on transportation; and 13 members to be appointed by the governor:  
866 1 of whom shall be an expert in transportation planning and policy who is not an employee of the  
867 commonwealth or any political subdivision, who shall serve as chair, 1 of whom shall be an  
868 expert in tolling systems or toll authorities, 1 of who shall be a member of the Metropolitan Area  
869 Planning Council, 1 of whom shall be an expert in transportation financing, 2 of whom shall be  
870 experts in traffic congestion and congestion pricing, 1 of whom shall be a representative of  
871 transportation network companies, 1 of whom shall be a representative of the Boston Chamber of  
872 Commerce, 2 of whom shall be members of the Massachusetts Municipal Association who  
873 represent geographically diverse areas, 1 of whom shall be a member of the business community  
874 and 2 of whom shall be employed by organizations that represents low-income communities that  
875 have been historically underserved by transit and acutely adversely affected by the public health  
876 impacts of traffic congestion; provided, however, that the members shall not be from the same  
877 organization.

(b) The commission shall: (i) identify and analyze physical, technological, legal and other issues or requirements related to roadway pricing in the commonwealth; (ii) propose detailed specifications and regionally-equitable locations for toll gantries and other equipment necessary to assess and collect tolls; (iii) advise the Massachusetts Department of Transportation on roadway pricing scenarios under the federal Value Pricing Pilot Program; (iv) provide estimates of annual operation and maintenance costs; (v) provide estimates of annual revenue; (vi) provide traffic forecasts including forecasts of traffic diversion impacts; (vii) provide a regional and social equity analysis with specific recommendations related to mitigating adverse impacts; and (viii) provide potential impacts on vehicular emissions reduction. The commission shall also identify all local, state and federal approvals necessary to deploy new tolls and other roadway pricing mechanisms on relevant roadways.

(c) Not later than January 1, 2023, the commission shall file a written report of its findings and recommendations, including legislative recommendations, with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on transportation. The report shall include, but not be limited to, an analysis of mitigation measures to address social equity issues including, but not limited to, social equity issues for communities underserved by the current transportation system and most directly impacted by congestion.

SECTION 31. Not later than December 31, 2021, the Massachusetts Department of Transportation shall seek approval from the Federal Highway Administration under the Value Pricing Pilot Program established in Section 1012 (b) of the Intermodal Surface Transportation Efficiency Act, Pub. L. 102-240; 105 Sta. 1914, as amended by section 1216(a) of the Transportation Equity Act, Pub. L. 105-178; 112 Sta. 107, and section 1604(a) of the Safe,

901 Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub.L.109-  
902 59;119 Stat. 1144 or shall apply to the United States Department of Transportation to enter into a  
903 tolling agreement or memorandum of understanding with the Federal Highway Administration.  
904 The department shall take all actions necessary to gain approval, including completion of all  
905 feasibility traffic, revenue and other studies necessary to ensure compliance with applicable  
906 federal and state requirements. The department, in coordination and consultation with the special  
907 commission on roadway and congestion pricing established in section 40, shall commence or  
908 support activities in support of an application for road pricing under the federal program  
909 including, but not limited to, feasibility studies, records of decisions, site selection,  
910 environmental impact studies, traffic diversion studies, revenue studies and any other studies or  
911 analyses required to implement this section.

912         SECTION 32. The Massachusetts Department of Transportation shall conduct a study to  
913 examine the feasibility of mileage-based revenue collection for the commonwealth's roads and  
914 highways as an alternative to the current system of taxing roadway use. The study shall: (i) test  
915 the reliability, ease of use, cost and public acceptance of technology and methods for: (A)  
916 counting the number of miles traveled by particular vehicles; (B) reporting the number of miles  
917 traveled by particular vehicles; and (C) collecting payments from individuals; (ii) analyze and  
918 evaluate the effectiveness of different technologies and methods to: (A) protect the integrity of  
919 data collected and reported; (B) ensure driver privacy; and (C) vary pricing based on the time of  
920 driving, type of road, proximity to transit, vehicle fuel efficiency, participation in car sharing or  
921 pooling of income of the driver; and (iii) examine the impact of assessing a vehicle mileage user  
922 fee on the economy, the environment and traffic congestion. The department shall submit its

923 findings to the clerks of the senate and house of representatives and the joint committee on  
924 transportation not later than March 31, 2023

925 SECTION 33. Notwithstanding any general or special law to the contrary, the amounts  
926 distributed under clause (iii) of subsection (c) of section 8 of chapter 187 of the acts of 2016 and  
927 clause (ii) of section 9 of said chapter 187 shall be dedicated to the purposes of the fare programs  
928 established under sections 33 through 35.

929 SECTION 34. (a) Notwithstanding any general or special law to the contrary, the  
930 Massachusetts Bay Transportation Authority shall implement a fare free system to all riders on  
931 bus routes operated by said Authority or its contractors.

932 (b) In implementing the fare free bus system, the Massachusetts Bay Transportation  
933 Authority shall conduct a review of costs associated with operating bus service in the  
934 Commonwealth. The authority shall consider the costs associated with fare collection, costs  
935 associated fare enforcement on bus routes, The projected costs associated with implementing  
936 AFC 2.0, any savings associated with the removal of fare collection services, ridership levels,  
937 and changes in congestion along bus routes. In conducting the study, the Authority shall consult  
938 with municipalities within the Authority's service area and transportation advocacy organizations  
939 including the Metropolitan Area Planning Council, Livable Streets, and the City of Boston. The  
940 Authority shall file the report with the Clerks of the House and Senate and the Joint Committee  
941 on Transportation not later than January 1, 2024.

942 SECTION 35. Notwithstanding any general or special law to the contrary, the Regional  
943 Transit Authority Council, as established in section 27 of chapter 161B of the General Laws,

shall provide each regional transit authority with assistance to implement a fare free program to all riders on all modes of transportation operated by each authority.

SECTION 36. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority, in coordination with the secretary of health and human services, shall implement a low-income fare program that provides free or discounted transit fares to qualifying riders on all modes of transportation operated by the authority.

(b) In developing the low-income fare program, the Massachusetts Bay Transit Authority shall develop a stakeholder engagement plan and implementation analysis. The engagement plan shall ensure engagement with relevant stakeholders and provide opportunities for public input in geographically-diverse service areas of the authority.

The analysis shall include, but not be limited to, an examination of: (i) the number of riders anticipated to benefit from the program; (ii) the average reductions of each fare, by mode; (iii) the overall impact on revenue to the system; (iv) partnership models for determining eligibility requirements and the verification method; and (v) estimated costs associated with the administration and marketing of the program.

The implementation analysis shall be filed with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on transportation not later than March 15, 2023.

SECTION 37. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall implement a temporary pilot program for late night service on bus and rapid transit rail lines. The late-night service shall run Monday through

965 Thursday with cessation in service occurring not earlier than 2am and Friday through Saturday  
966 with cessation in service occurring not earlier than 3am.

967 The Massachusetts Bay Transportation Authority shall issue a report on the results of the  
968 pilot program, including, but not limited to 1) the scope of the pilot; 2) implementation  
969 challenges and lessons learned; 3) data on customer satisfaction; 4) ridership data pre-pilot; 5)  
970 ridership data during the pilot; 6) an analysis on how late night service can incentivize ridership;  
971 and 7) next steps toward permanent implementation. Not later than 60 days after the conclusion  
972 of the program, the report shall be filed with the clerks of the senate and the house of  
973 representatives, the chairs of the senate and house committees on ways and means and the chairs  
974 of the joint committee on transportation.

975 SECTION 38. Notwithstanding any general or special law to the contrary, the  
976 Massachusetts Bay Transportation Authority or its board of directors as established by section 7  
977 of chapter 161A of the General Laws shall not increase the fare charged to riders, as defined in  
978 section 1 of chapter 161A of the General Laws.

979 SECTION 39. Notwithstanding any general or special law to the contrary, the  
980 Massachusetts Bay Transportation Authority shall implement a temporary pilot program that  
981 reduces the rate of rider fares on off-peak hour commuter rail trips, with the goal of incentivizing  
982 ridership on hours outside of peak commuter times. The program shall not result in an increase  
983 in fares during for any rider at any time and shall include a discount structure of off-peak  
984 discounts of not less than 25 per cent. The pilot program shall commence not earlier than  
985 January 1, 2022 and not later than January 1, 2024.

The Massachusetts Bay Transportation Authority shall issue a report on the results of the pilot program, including, but not limited to 1) the scope of the pilot; 2) implementation challenges and lessons learned; 3) data on customer satisfaction; 4) ridership data pre-pilot; 5) ridership data during the pilot; 6) an analysis on how off-peak discount programs can incentivize ridership; and 7) next steps toward permeant implementation. Not later than 60 days after the conclusion of the program, the report shall be filed with the clerks of the senate and the house of representatives, the chairs of the senate and house committees on ways and means and the chairs of the joint committee on transportation.

SECTION 40. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transit Authority shall create a fund called the “Stimulus-Ready Projects” fund that can be used by the authority to advance planning, design, and engineering work on capital infrastructure projects that would improve transit reliability, increase transit service capacity, reduce greenhouse gas and particulate matter emissions, and improve overall resiliency of the system, in preparation for future federal infrastructure funds

(b) Within thirty days of the passage of this Act, the Massachusetts Bay Transit Authority shall deposit an amount into the Stimulus-Ready Projects Fund (hereinafter referred to as the “Stimulus Ready Fund”) equal to no less than five percent but no greater than ten percent of total amounts received by the authority from federal emergency aid to transit systems in years 2020 and 2021, including funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Consolidated Appropriations Act of December 2020, and all future federal appropriations that deliver COVID-related emergency aid to the authority. Future deposits into the fund must be made by the authority within ten days of receipt of federal funds.

1008 (c) The mission of the Stimulus Ready Fund is to expedite the planning, design, and  
1009 engineering of infrastructure projects so that projects can be eligible to receive, or take best  
1010 advantage of, federal infrastructure funding from any federal appropriation or authorization bills  
1011 providing funding for transportation projects that is necessary to complete construction and  
1012 implementation of capital projects that meet one or more of the following eligibility  
1013 requirements: i) projects unfunded or not fully funded in the authority's Capital Investment Plan,  
1014 with a priority for projects that improve transit access and connectivity on the Blue, Red and  
1015 Silver lines; ii) projects specifically related to improving transit reliability, increasing transit  
1016 service capacity, reduce greenhouse gas and particulate matter emissions, and improving overall  
1017 resiliency of the system, iii) projects related to the improvements recommended by the regional  
1018 rail vision, including without limitation electrification of the commuter rail system, increasing  
1019 capacity of commuter rail track infrastructure, and station infrastructure, and (iv) projects related  
1020 to infrastructure, facilities, and maintenance needs for a battery-operated bus network. No funds  
1021 in the Stimulus Ready Fund shall be used for ongoing programmed and funded maintenance or  
1022 repair programs conducted by the authority.

1023 (d) Money deposited in the fund must be obligated by the authority within 90 days of this  
1024 act and within 60 days of future deposits into the fund.

1025 (e) On July 1, 2022, all unobligated amounts from this fund on January 1, 2023 shall be  
1026 transferred to the Boston Metropolitan Planning Organization for their use to improve or expand  
1027 dedicated bus lanes, build dedicated bike lanes, or support complete street infrastructure needs  
1028 within the authority's service plan region.

1029           (f) The MBTA shall file a written report detailing its progress fulfilling the terms of this  
1030 Act and all amounts spent from this fund, and submit said report to the House and Senate  
1031 Committees on Transportation no later than May 1, 2021.

1032           SECTION 41. Sections 7 and 14 shall take effect on January 1, 2023.

1033           SECTION 42. Section 8 Shall take effect on January 1, 2024.

1034           SECTION 43. Section 9 shall take effect on January 1, 2025.

1035           SECTION 44. Section 38 is hereby repealed.

1036           SECTION 45. Section 44 shall take effect on January 1, 2028.

1037           SECTION 46. Section 33 shall take effect on July 31, 2025.

1038           SECTION 47. Section 2 shall take effect upon the implementation of recommendations  
1039 described in Section 30.